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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,411	01/27/2004	Gloria Jean Navarre	8285-669	2880

757 7590 07/18/2007

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
KIM, PAUL	

ART UNIT	PAPER NUMBER
2161	

MAIL DATE	DELIVERY MODE
07/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/767,411	NAVARRE ET AL.	
	Examiner	Art Unit	
	Paul Kim	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 30 April 2007.

2. Claims 1-20 are pending and present for examination. Claims 1, 10, and 20 are independent.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. **Claims 1-19** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-18 of U.S. Patent No. 6,442,611. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed invention is broader in scope than the invention found U.S. Patent No. 6,442,611 upon which the present application claims priority to.

Claim Rejections - 35 USC § 102Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1-8, 10-18, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloud et al (U.S. Patent No. 5,634,127, hereinafter referred to as CLOUD), filed on 30 November 1994, and issued on 27 May 1997, in view of Cook (U.S. Patent No. 6,732,101, hereinafter referred to as COOK) filed on 15 June 2000 and issued on 4 May 2004.

7. CLOUD differs from the claimed invention in that CLOUD fails to specifically disclose a method and system wherein the request is transmitted by the second application using a web browser (claims 5 and 15).

8. **As per independent claims 1, 10, and 20**, CLOUD, in combination with COOK, discloses:

A method comprising:

(a) transmitting a set of data access transactions to respective applications {See CLOUD, col. 11, lines 27-34, wherein this reads over "decompose the message receive and invoke several task to independently retrieve information from whatever different sources are necessary"}, wherein at least some of the set of data access transactions comprise a first optional data item {See COOK, C15:L44-52, wherein this reads over "[a] wrapper is produced that includes the recipient's E-mail address and an optional message body"}, and wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item {See COOK, C16:L60-66, wherein this reads over "[t]he wrapper is sent to the recipient using the recipient's E-mail address and arrives at the recipient's E-mail mailbox. The wrapper is opened using the

recipient's conventional E-mail application"; and C13:L56-C14:L9, wherein this reads over "optionally verifying the time stamp certificate" and "optionally retrieving the status of the sender's public key"}; and

(b) integrating the set of responses received from the respective applications {See CLOUD, Abstract, wherein this reads over "[i]nformation resulting from workflows and information retrieved from back-end servers may be integrated into a single reply message to the requesting client"}.

While CLOUD fails to expressly disclose the incorporation of optional data items within the set of data access transactions, COOK discloses the method wherein the message may include optional data items, and wherein said data items may be optionally processed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by CLOUD with the invention disclosed by COOK.

One of ordinary skill in the art would have been motivated to do this modification so that optional data items may be transmitted within the data access transactions such that the optional data items need not be processed when an application does not recognize or expect the optional data items.

9. **As per dependent claims 2 and 11**, CLOUD, in combination with COOK, discloses:

The method of claim 1 further comprising, before (a), receiving a request from a second application, the second application being different from the respective applications {See CLOUD, col. 11, lines 15-16, wherein this reads over "the work flow manager is initiated by a request message which it receives as input"}.

10. **As per dependent claims 3 and 13**, CLOUD, in combination with COOK, discloses:

The method of claim 2, wherein the request is transmitted by the second application in response to user initiation {See CLOUD, Figure 10; and col. 16, lines 6-9, wherein this reads over "a customer service representative initiates a request message. The message is received at the MDP and a message control block is established"}.

11. **As per dependent claims 4 and 14**, CLOUD, in combination with COOK, discloses:

The method of claim 2, wherein the request is transmitted by the second application in response to intelligent agent software initiation {See CLOUD, col. 8, lines 30-34, wherein this reads over "the input request manager can translate disparate front end message protocols into MDP message formats, allowing clients with existing application message formats to be accepted by the workflow Manager"}.

12. **As per dependent claims 5 and 15**, while CLOUD fails to expressly disclose a method wherein the request is transmitted by the second application using a web browser {See COOK, Figure 4c; and C17:L38-42, wherein this reads over "the HTML content . . . to be displayed in the browser"}.

The combination of inventions disclosed in CLOUD and COOK would disclose a method wherein a request may be transmitted over the Internet using a web browser (e.g. Microsoft Internet Explorer or Mozilla Firefox). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by CLOUD by including a web browser.

One of ordinary skill in the art would have been motivated to do this modification so that where many applications are accessible over the Internet, the second application may transmit a request through the use of a web browser.

13. **As per dependent claims 6 and 16**, CLOUD, in combination with COOK, discloses:

The method of claim 2 further comprising automatically identifying the set of data access transactions from the request {See CLOUD, col. 11, lines 27-34, wherein this reads over "the work flow will decompose the message received and invoke several tasks to independently retrieve information from whatever different sources are necessary"}.

14. **As per dependent claims 7 and 17**, CLOUD, in combination with COOK, discloses:

The method of claim 1 further comprising returning the integrated set of responses to a second application, the second application being different from the respective applications {See CLOUD, col. 11, lines 30-34, wherein this reads over "the work flow manager manages all of the information placed into the session control block, to be described hereinafter, into one or more comprehensive replies which may then be sent back to the client"}.

15. **As per dependent claims 8 and 18**, CLOUD, in combination with COOK, discloses:

The method of claim 1 further comprising:

receiving user identification information from a second application, the second application being different from the respective applications {See CLOUD, col. 11, lines 15-16, wherein this reads over "the work flow manager is initiated by a request message which it receives as input"}; and

verifying the received user identification information by accessing a user profile database {See CLOUD, col. 8, lines 26-34, wherein this reads over "security checking and client validation and registration functions"}.

16. **As per dependent claim 12**, it would be inherent for the second application to operatively transmit a request to the processor since without the ability to communicate with the processor, the application would not be able to functionally operate.

17. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over CLOUD, in view of COOK, and in further view of Ferguson et al (U.S. Patent No. 5,819,092, hereinafter referred to as FERGUSON), filed on 6 October 1997, and issued on 6, October 1998.

18. **As per dependent claims 9 and 19**, CLOUD, in combination with COOK and FERGUSON, discloses a method comprising computing a fee for using the respective applications by accessing a user profile database {See FERGUSON, col. 29, lines 36-39, wherein this reads over "subtool allows the developer of an online service to specify the fees that will be levies on or paid to users"; and col. 30, lines 1-5, wherein this reads over "fees can depend on . . . the identity of the user"}.

The combination of inventions disclosed in CLOUD and FERGUSON would disclose a system wherein application use fees would be calculated according to the identity of the user and the respective applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by CLOUD by combining it with the invention disclose by FERGUSON.

One of ordinary skill in the art would have been motivated to do this modification so that users may be charged access fees.

Response to Arguments

19. Applicant's arguments filed 30 April 2007 have been fully considered but they are not persuasive.

a. Rejections under 35 U.S.C. 103

Applicant asserts the argument that the prior art references of Cloud and Cook fail to teach or disclose a method "wherein the respective applications process the set of data access transactions even when the respective applications do not recognize the first optional data item." See Amendment, page 5. The Examiner respectfully disagrees in that the data transactions may

include a "time stamp certificate" and/or a "sender's public key" as disclosed by Cook. See Cook, col. 13, line 56 – col. 14., line 9. Furthermore, Cook discloses that the invention determines the validity of the public keys for all of the recipients such that "for all recipients whose public key was determined to be invalid or other un-locatable, a forwarding process is invoked." See Cook, col. 15, lines 12-16. That is, wherein the public key (i.e. the optional data item) either invalid or un-locatable (i.e. not recognized), the application continues to process the data access transactions by invoking a forward process. Thus, it is noted that Cook indeed does teach the processing of a set of data access transactions even when the applications do not recognize an optical data item.

Accordingly, the claim rejections under 35 U.S.C. 103 are sustained for the aforementioned reasons above.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Kim
Patent Examiner, Art Unit 2161
TECH Center 2100

APU MOFIZ
SUPERVISORY PATENT EXAMINER